

Agenda Item # 52

Distribution

Dept. of Plng., Bldg & Dev. (4)

STATE OF ILLINOIS)

) SS

COUNTY OF LAKE)

No. 3696

Lake Villa Township

COUNTY BOARD, LAKE COUNTY, ILLINOIS

March 11, 2008

MADAM CHAIRMAN AND MEMBERS OF THE COUNTY BOARD:

Your Planning, Building and Zoning Committee presents herewith a Resolution on Zoning Case No. 3696, which consists of the Petition of the Realtor Association of Northwest Chicagoland, record owner, which seeks rezoning from the Agricultural zone to the Limited Commercial zone. The Department of Planning, Building and Development recommends the petition be granted. On the motion "to grant" the prayer of the petitioner, the Zoning Board of Appeals vote is 7 "Ayes" and 0 "Nays." On the motion "to grant" the prayer of the petitioner, the Planning, Building and Zoning Committee vote is ___ "Ayes" and ___ "Nays".

- o An "Aye" vote on the motion shall operate in favor of the prayer of the petitioner.
- o A "Nay" vote on the motion shall operate against the prayer of the petitioner.
- o A 3/4 (18) affirmative vote is required to approve the rezoning if there is a legal objection on file.

Respectfully submitted,

Pamela D. Ueber Aye Nay ✓
CHAIRPERSON

VICE-CHAIRPERSON

Stephen L. Gravenhurst ✓

[Signature] ✓

Randy W. [Signature] ✓

Robert Salonga ✓

RESOLUTION

WHEREAS, a public hearing has been held by the Lake County Zoning Board of Appeals pursuant to the Statutes of the State of Illinois on the Petition of the Realtor Association of Northwest Chicagoland, record owner, relative to a request for rezoning from the Agricultural to the Limited Commercial zone for the following real estate, to-wit:

That part of the South East Quarter of the North West Quarter of Section 12, Township 45 North, Range 10, East of the Third Principal Meridian, lying Westerly of the center of the public road (known as Grand Avenue), described as follows, to-wit; beginning at a point in the center line of said Grand Avenue, said point being 580.00 feet North Westerly (as measured along said center line) from the point of intersection of said center line and the South line of the South East Quarter of the North West Quarter of said Section 12, thence South Westerly 250.00 feet along the Northerly line of Document 811910; thence North Westerly along a line forming an angle of 73 degrees 05 minutes to the right of the prolongation of the last described line, 150.00 feet; thence North Easterly along a line parallel to the Northerly line of Document 811910, 250 feet, more or less, to the center line of said Grand Avenue; thence South Easterly along said center line 150.03 feet to the place of beginning, in Lake County, Illinois.

PIN: 06-12-100-011

WHEREAS, your Department of Planning, Building and Development duly considered the aforesaid petition and recommends that it be granted; and

WHEREAS, your Zoning Board of Appeals, after reviewing the testimony presented at the public hearing on the aforesaid petition, has submitted its report thereon to the County Board and its report recommends by a vote of 7 - 0 that the petition be granted; and

WHEREAS, your Planning, Building and Zoning Committee duly considered the petition and reports aforescribed and recommends by a vote of 5 to 0 that the petition be granted. Motion made by Member Leafblad, with a second by Member Whitmore, to grant the petition. Voting "Aye" were Members Leafblad, Gavenhorst, Sabonjian, Whitmore and Newton; voting "Nay," none

NOW, THEREFORE, BE IT RESOLVED by the Lake County Board that the request of the Petitioner for rezoning from the Agricultural to the Limited Commercial zone be granted; and

BE IT FURTHER RESOLVED, that the Secretary of said Zoning Board of Appeals be instructed to notify the Petitioner as to the action taken by the Board.

No. 3696
Lake Villa Township

STATE OF ILLINOIS)
) SS
COUNTY OF LAKE)

COUNTY BOARD, LAKE COUNTY, ILLINOIS

March 11, 2008

MADAM CHAIRMAN AND MEMBERS OF THE COUNTY BOARD:

Pursuant to State Statutes and following proper publication of public notice, a public hearing was conducted before the Lake County Zoning Board of Appeals on February 11, 2008 at 1:00 p.m. in the Lake Villa Township Hall, 37908 N. Fairfield Road, Lake Villa, Illinois, relative to the petition of the Realtor Association of Northwest Chicagoland, record owner, requesting rezoning from the Agricultural to the Limited Commercial zone for the following real estate, to-wit:

That part of the South East Quarter of the North West Quarter of Section 12, Township 45 North, Range 10, East of the Third Principal Meridian, lying Westerly of the center of the public road (known as Grand Avenue), described as follows, to-wit; beginning at a point in the center line of said Grand Avenue, said point being 580.00 feet North Westerly (as measured along said center line) from the point of intersection of said center line and the South line of the South East Quarter of the North West Quarter of said Section 12, thence South Westerly 250.00 feet along the Northerly line of Document 811910; thence North Westerly along a line forming an angle of 73 degrees 05 minutes to the right of the prolongation of the last described line, 150.00 feet; thence North Easterly along a line parallel to the Northerly line of Document 811910, 250 feet, more or less, to the center line of said Grand Avenue; thence South Easterly along said center line 150.03 feet to the place of beginning, in Lake County, Illinois.

PIN: 06-12-100-011

The proceedings of this public hearing have been electronically recorded and are available for public review at the office of the Lake County Zoning Board of Appeals.

The reports and recommendations received prior to this hearing from the various County Departments and other interested agencies are on file at the office of the Lake County Zoning Board of Appeals. The Board is in receipt of the reports and recommendations from the following agencies:

The Lake County Building and Code Enforcement Division,
The Lake County Health Department, and
The Lake County Department of Planning, Building and Development, and

As required by the Lake County Zoning Ordinance, in making its recommendation the Zoning Board of Appeals has considered and taken into account the following:

- a) The testimony at the hearing;
- b) A site inspection of the property in question;
- c) The recommendations from interested official bodies; and
- d) The Standards provided in Section 3.3 of the Unified Development Ordinance.

At the close of the public hearing of the Lake County Zoning Board of Appeals held on February 11, 2008, after a final review of all evidence and testimony presented, Member Koeppen moved, with a second by Member Raymond, to recommend the prayer of the petitioner for rezoning from the Agricultural to the Limited Commercial zone be granted. Voting "Aye" on this motion were Members Bell, Koeppen, Raymond, Reindl, Stimpson, Westerman and Zerba. Voting "Nay," none. The motion to recommend the petition be granted was passed by a vote of 7 - 0.

The Board finds that the request for rezoning meets the Standards for Map Amendments, Section 3.3, in the following manner:

Standard A. The proposed amendment is consistent with the stated purpose and intent of Sec. 1.5.

Finding: The County's comprehensive plan shows the property as Agricultural. The adjacent parcel to the north has a future land use of Office and Research Park. However, the land use for the subject property and the adjacent parcel reflect the mapping error discussed in the Finding to Standard B, below. The subject property and the adjacent parcel have an Office District future land use designation in the Lindenhurst comprehensive plan. The amendment is consistent with the purpose and intent of the Ordinance.

Standard B. The proposed amendment corrects an error or inconsistency or meets the challenge of some changing condition in the area.

Finding: The subject property was rezoned to Community Business in 1971. The comprehensive rezonings in 1988 and 2000 did not recognize this zoning and the property was erroneously rezoned Agricultural. Approving the requested rezoning to Limited Commercial will correct the error that apparently took place in 1988.

Standard C. The proposed amendment will allow development that is compatible with existing uses and zoning of nearby property.

Finding: The trend of development in unincorporated Lake County is the expansion of the Fourth Lake Forest Preserve through land purchases west and east of the subject property. Approximately 700 feet to the northwest, in the Village of Lindenhurst, is property zoned Neighborhood Business that is developed with office uses. Approximately 1000 feet to the southeast, also in Lindenhurst, is property zoned Commercial Business Residential 2, which is a Business District category. The request is consistent with the changing condition in Lindenhurst for commercial development for properties with frontage on Grand Avenue, and will allow the applicant to construct an office building to replace an earlier building that has been demolished.

Standard D. The County and other service providers will be able to provide adequate public facilities and services to the property, while maintaining adequate levels of service to existing development.

Finding: Given that the subject property has been used as an office for over 30 years, and the applicant will install a new septic system for the new office, there will not be a negative impact on infrastructure.

Standard E. The proposed amendment will not result in significant adverse impacts on other property in the vicinity of the subject tract or on the environment, including air, water, noise, stormwater management, wildlife and natural resources.

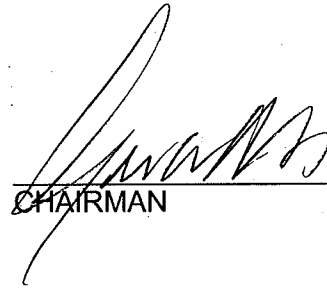
Finding: As already stated, the subject property has been used as an office for over 30 years with no negative impacts. The applicant will have to meet all Ordinance requirements for the construction of a new office, including the installation of a new septic system and a new stormwater management system. There will not be any significant adverse impacts to other property or the environment.

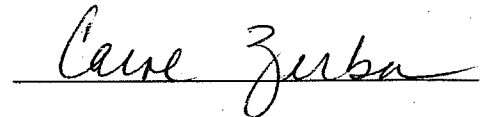
Standard F. The subject property is suitable for the proposed zoning classification.

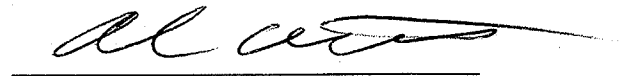
Finding: The property is physically suitable for the types of uses / development allowed in the Limited Commercial zoning district.

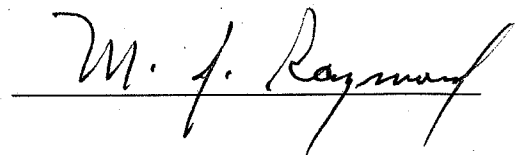
At the direction of the Chairman of the Zoning Board of Appeals, this report is herewith forwarded to your Honorable Body with the recommendation that it be accepted.

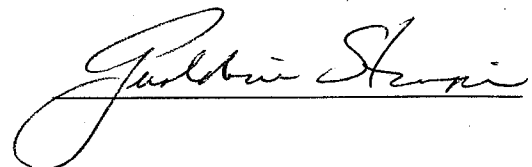
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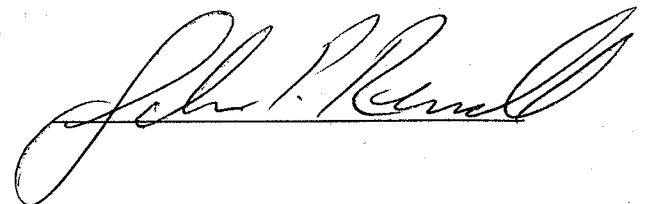

CHAIRMAN











Dated this 20th day of February 2008.

Summary of Testimony

ZBA #3696

A public hearing was conducted by the Lake County Zoning Board of Appeals on Monday, February 11, 2008 at 1:00 p.m. in the Lake Villa Township Hall, 37908 N. Fairfield Road, Lake Villa, Illinois, on the petition of the Realtor Association of NorthWest Chicagoland, record owner, which seeks rezoning from the Agricultural zone to the Limited Commercial zone for the purpose of replacing an office building. The subject property is located at 19625 Grand Ave., Lake Villa, and contains approximately 0.68 acres. The following is a summary of the testimony:

1. Mr. Tony Ryan, project architect, and Ms. Peggy Kayser, CEO of the Realtor Association of NorthWest Chicagoland, presented the request. Mr. Ryan testified that the Realtor Association had had an office on the property for over 30 years. In researching the property prior to demolishing the existing office building and constructing a new one, an error on the zoning map was discovered: The property had been rezoned to Community Business in 1971, but during the County's comprehensive rezoning of 1988, instead of being assigned to the new General Office district, the subject property erroneously was zoned Agricultural. The adjoining property to the north apparently was mapped GO instead.
2. Ms. Kayser testified that when the Realtor Association purchased the property the building was a truck repair garage. The Realtor Association had converted the garage into an office building, but the conversion had never been satisfactory. The Realtor Association decided to demolish the building because it was in poor condition and could not be economically modernized.
3. Ms. Kayser further testified that four employees would work in the office. Committee meetings and new member orientation would also be held in the new building.
4. Mr. Henry Behrens, the owner of farmland south of the connection to the Fourth Lake Forest Preserve, testified that he was concerned about stormwater and effluent from the septic system coming onto his property. In response, Mr. Ryan testified that the building would be served by a new Wisconsin mound septic system. The stormwater management system would include on-site detention, with stormwater discharge directed to the drainage ditches on Grand Avenue. Mr. Ryan assured Mr. Behrens that neither stormwater nor effluent would enter his property. Mr. Behrens also testified that hunters park on the Realtors' property when nobody is there and then hunt illegally in the nearby fields. Ms. Kayser said she would consider installing a gate across the driveway to keep the hunters from parking on the property.

Summary of Department Comments

ZBA #3696

Lake County Health Department:

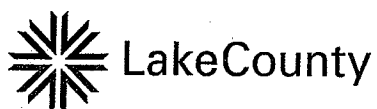
The applicant must apply for an Individual Sewage Disposal system permit and a water well permit for the proposed project. These permits must be reviewed and approved prior to construction taking place on the site.

Lake County Department of Planning, Building and Development:

Planning staff recommends approval of the rezoning because, in staff's opinion, the request complies with the required standards. The subject property was rezoned to Community Business in 1971. The comprehensive rezonings in 1988 and 2000 did not recognize this zoning and the property was erroneously rezoned Agricultural. Approving the requested rezoning to Limited Commercial will correct the error that apparently took place in 1988. The property's Agricultural future land use reflects the mapping error. The subject property has an Office District future land use designation in the Lindenhurst comprehensive plan.

The trend of development for nearby unincorporated properties is the expansion of the Fourth Lake Forest Preserve. Approximately 700 feet to the northwest, in the Village of Lindenhurst, property is zoned business and is developed with office uses. Property in Lindenhurst approximately 1000 feet to the southeast also has a business zoning. Rezoning the property will not negatively impact the Forest Preserve property, and the request is consistent with the changing condition in Lindenhurst for commercial development for properties with frontage on Grand Avenue.

The subject property has been used as an office for over 30 years with no negative impacts. The applicant will have to meet all Ordinance requirements for the construction of a new office, including the installation of a new septic system and a new stormwater management system. There will not be any significant adverse impacts to other property or the environment. The property is physically suitable for the types of uses / development allowed in the Limited Commercial zoning district.



Philip J. Rovang
Director

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Waukegan, Illinois 60085
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E-mail planning@co.lake.il.us

MEMORANDUM

February 5, 2008

TO: George Bell, Chairman
Lake County Zoning Board of Appeals

FR: Robert Mosteller, Deputy Director 
Lake County Department of Planning, Building and Development

CASE NO: 3696 Rezoning

REQUESTED ACTION: Rezoning from the Agricultural zone to the Limited Commercial zone for the purpose of replacing an office building.

ZBA PUBLIC HEARING DATE: February 11, 2008

GENERAL INFORMATION

PETITIONER: Realtor Association of Northwest Chicagoland, record owner

OF PARCELS: One

SIZE: 0.68 acres

ADDRESS: 19625 Grand Ave., Lake Villa

EXISTING ZONING: Agricultural

PROPOSED ZONING: Limited Commercial

EXISTING LAND USE: Vacant; paved parking lot from earlier office use remains.

PROPOSED LAND USE: Office building.

Development Review
Bob Mosteller
Deputy Director

Zoning Administration
Sheel Yajnik
Zoning Administrator

Planning and Support Services
Dennis Sandquist
Deputy Director

Community Development
Vern Witkowski
Deputy Director

SURROUNDING ZONING / LAND USE

NORTH: General Office / Single-family dwelling

EAST: Agricultural / Lake County Forest Preserve – Fourth Lake

SOUTH: Open Space / Connection to Fourth Lake Forest preserve from W. Grand Avenue; Agricultural / Farm land

WEST: Agricultural / Farm land

COMPREHENSIVE PLANS

LAKE COUNTY: Agricultural

MUNICIPALITIES WITHIN 1½ MILES: Village of Lindenhurst / Office

DETAILS OF REQUEST

ACCESS: Access is via an existing driveway to Grand Avenue.

FLOODPLAIN / WETLANDS: According to the County's GIS, the subject property is not in a floodplain and does not contain any wetlands.

SEWER AND WATER: The property is served by private septic and private water well.

ADDITIONAL COMMENTS

The applicant has submitted a copy of a resolution rezoning the subject property from Suburban Residential to Community Business, (CB) which was approved on August 10, 1971.

It appears a mapping error occurred during the comprehensive rezoning of 1988 and was carried over in the comprehensive rezoning of 2000. In 1988 the CB zoning category was changed to General Office (GO). The GO zoning that should have been assigned to the subject property was mistakenly mapped onto the adjacent property to the north (we could find no record of the rezoning of this parcel).

Although rezoning to the General Office district might seem more appropriate, this parcel does not contain the minimum area required in GO (40,000 square feet).

An earlier office building on the subject property was demolished. According to the County's records, staff believes the demolition permit was issued after the applicant's representative had been informed that the property was zoned Agricultural and a rezoning would be necessary to construct a new building.

RECOMMENDATION ON REZONING

The office use of approximately 30 years was not detrimental to the subject property or nearby properties, and even though the applicant has provided evidence of a mapping error, the request still must be evaluated according to all map amendment approval criteria. The least intensive zoning category that will allow the applicant to construct an office building is Limited Commercial.

From the perspective of how zoning ought to be used, this isolated zoning parcel should not have a commercial zoning because the adjoining uses are agricultural and single-family residential and the nearest County commercial zoning is nearly a mile away to the southeast. Nevertheless, in its evaluation of the request, staff finds that the petition meets the preponderance of the conditions required by the standards and we are compelled to recommend approval.

Map Amendment Approval Criteria – UDO Section 3.3.8

Standard A: The proposed amendment is consistent with the stated purpose and intent of Sec. 1.5.

Comment: The County's comprehensive plan shows the property as Agricultural. The adjacent parcel to the north has a future land use of Office and Research Park; the land use for the subject property and the adjacent parcel reflect the mapping error discussed in the Additional Comments section above. The subject property

and the adjacent parcel have an Office District future land use designation in the Lindenhurst comprehensive plan.

Standard B: The proposed amendment corrects an error or inconsistency or meets the challenge of some changing condition in the area.

Comment: The property was rezoned to Community Business in 1971. The comprehensive rezonings in 1988 and 2000 did not recognize this zoning and the property was rezoned Agricultural. Approving the rezoning will correct the error that apparently originally took place in 1988.

Standard C: The proposed amendment will allow development that is compatible with existing uses and zoning of nearby property.

Comment: The trend of development in unincorporated Lake County is the expansion of the Fourth Lake Forest Preserve through land purchases west and east of the subject property. Approximately 700 feet to the northwest, in the Village of Lindenhurst, is property zoned Neighborhood Business that is developed with office uses. Approximately 1000 feet to the southeast, also in Lindenhurst, is property zoned Commercial Business Residential 2, which is a Business District category. The request is consistent with the changing condition in Lindenhurst for commercial development for properties with frontage on Grand Avenue, and will allow the applicant to construct an office building to replace an earlier building that has been demolished.

Standard D: The County and other service providers will be able to provide adequate public facilities and services to the property, while maintaining adequate levels of service to existing development.

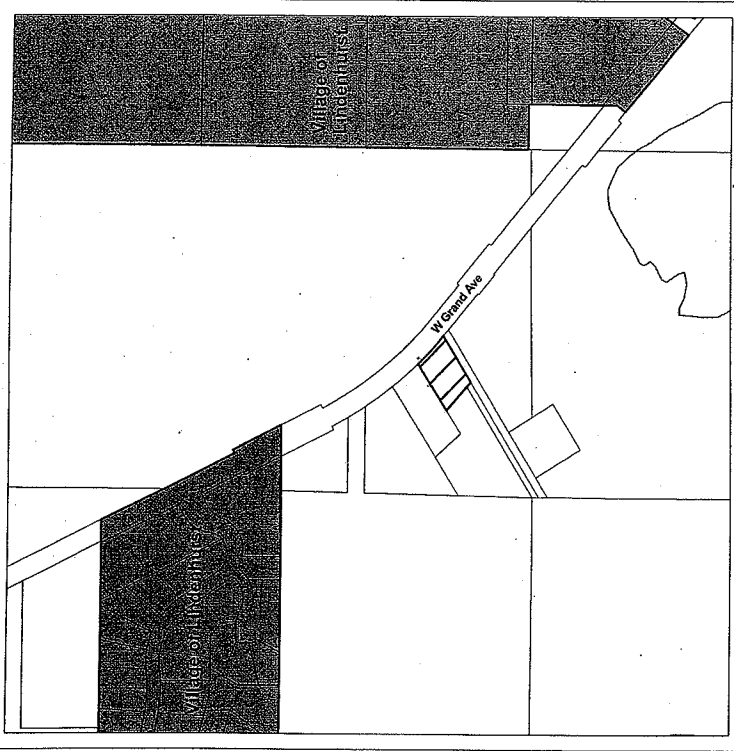
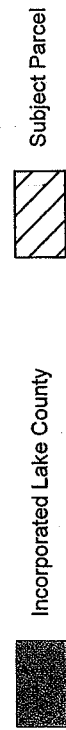
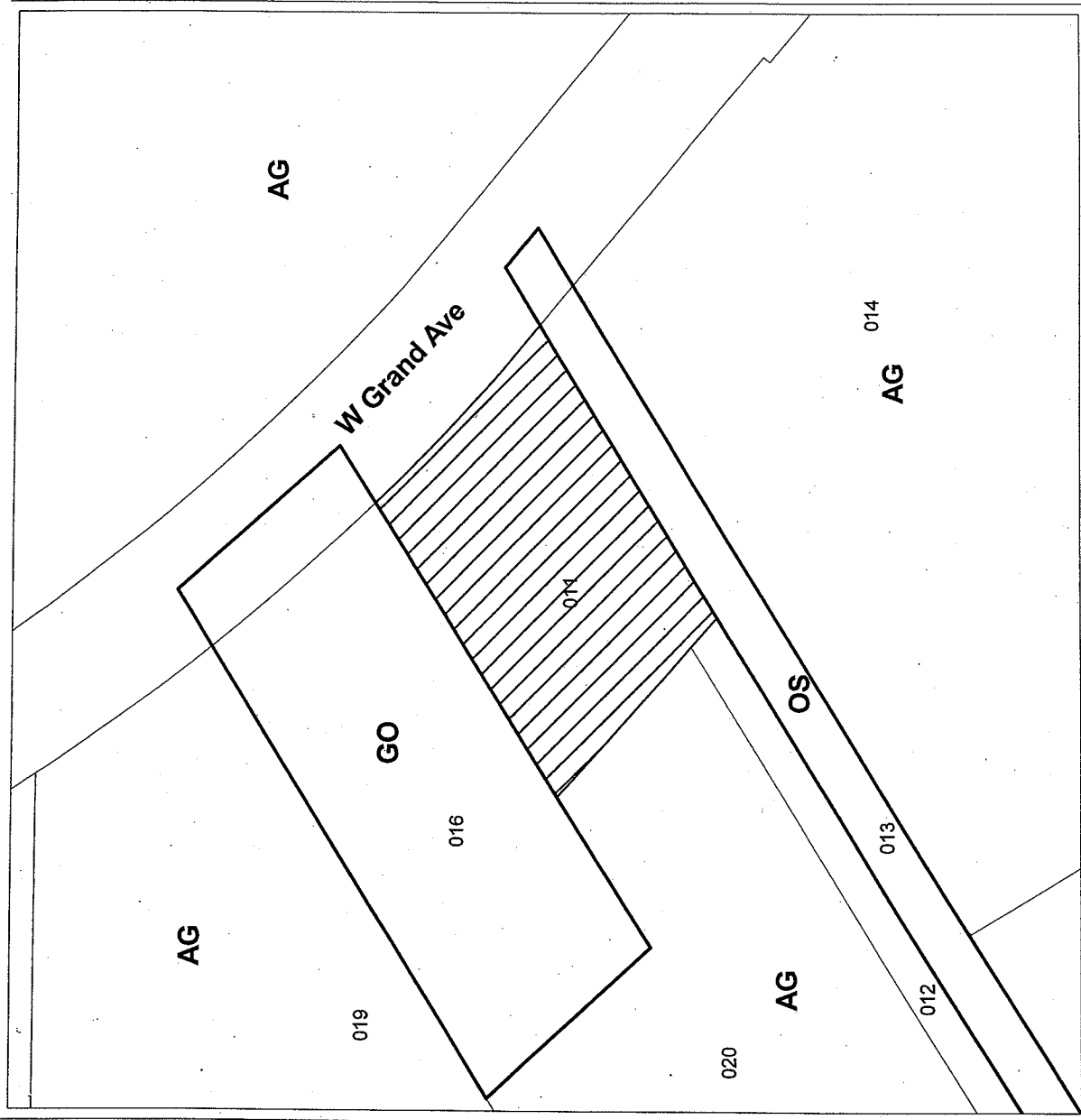
Comment: The property is served by private water well and septic system. Provided Health Department approval is obtained, and there are no objections from LCDOT regarding the driveway connection, there will not be a negative impact on infrastructure.

Standard E: The proposed amendment will not result in significant adverse impacts on other property in the vicinity of the subject tract or on the environment, including air, water, noise, stormwater management, wildlife and natural resources.

Comment: Given that the subject property has been used as an office for over 30 years, no significant adverse impacts should occur.

Standard F: The subject property is suitable for the proposed zoning classification.

Comment: The property is physically suitable for the types of uses / development allowed in the Limited Commercial zoning district.



Zoning Board of Appeals Case# 3696